

### **Remarks**

The above Amendments and these Remarks are in reply to the Final Office Action mailed October 21, 2009.

#### **I. Summary of Examiner's Rejections**

In the Office Action mailed October 21, 2009, Claims 1-8, 10-17, 67-76, and 120-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al (U.S. Patent Application Publication No. 2004/0039916, hereafter Aldis) in view of Ross et al (U.S. Patent No. 5,553,143, hereafter Ross) and Stupek Jr. et al (U.S. Patent No. 5,960,189, hereafter Stupek) and further in view of Omshehe et al. (U.S. Patent Application Publication No. 2002/0069172 A1, hereafter Omshehe). Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis (U.S. Patent Application Publication No. 2004/0039916) in view of Ross (U.S. Patent No. 5,553,143), Stupek (U.S. Patent No. 5,960,189), and Omshehe (U.S. Patent Application Publication No. 2002/0069172 A1), and further in view of Horstmann (U.S. Patent No. 6,009,401).

#### **II. Summary of Applicant's Amendments**

The present Reply amends Claim 67, leaving for the Examiner's present consideration Claims 1-18, 67-76 and 120-129. Reconsideration of the Application, as amended, is respectfully requested.

#### **III. Claim Rejections under 35 U.S.C. § 103(a)**

In the Office Action mailed October 21, 2009, Claims 1-8, 10-17, 67-76, and 120-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis (U.S. Patent Application Publication No. 2004/0039916) in view of Ross (U.S. Patent No. 5,553,143) and Stupek (U.S. Patent No. 5,960,189) and further in view of Omshehe (U.S. Patent Application Publication No. 2002/0069172 A1). Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis in view of Ross, Stupek, and Omshehe, and further in view of Horstmann (U.S. Patent No. 6,009,401).

#### **Claim 1**

Applicant respectfully traverses the rejection of this Claim, in view of the following remarks.

Aldis discloses a system and method [ ] for the distribution of digital licenses through a multi-level distribution chain using one or more clearinghouses. (Abstract). Content providers 4 can create digital licenses through the license management interface or client. They can specify the terms of the license, the number of licenses in a license pack, and the number of license packs they wish to create. Licenses are then digitally signed using the content provider's certificate and the signatures are stored in the database 20 ( FIG. 2 ). (Paragraph [0068]). Renewal/upgrade license pack 2100 is a license pack created by content provider 4 of a plurality of renewal/upgrade digital licenses 2000. (Paragraph [0130]).

Ross discloses the electronic management and enforcement of software licenses. (Abstract).

Stupek discloses a method for use in upgrading a resource of a computer from an existing version of the resource to a later version of the resource. (Abstract). The importance of an upgrade 57 (high, medium, low) is displayed to the user through color coded visual objects 58 (e.g., red, yellow, green). The reasons 59 for the upgrade (i.e., upgrade description) are also displayed in the list box 51. When requested by the user (e.g., with a "Details" button 60), additional details about the upgrade are displayed 320 in a detail window 65. In addition to displaying the output of the upgrade advisor, a report may be generated 322 by the upgrade advisor. The upgrade advisor may also store 324 the status results. (Column 9, lines 33-41).

Omshehe discloses that FIG. 9 displays a list of current active concurrent user licenses and their associated user information. The license monitor interface depicted in FIG. 9 displays the current number of installed licenses (e.g., 11). Thus, the current configuration will allow up to eleven concurrent users. An expiration date for the installed licenses is also included. The monitor interface also displays the current number of allocated concurrent user licenses (zero). (Paragraph [0061]).

Applicant respectfully submits that Aldis appears to disclose upgrading license packs, and wherein the license packs appear to include several licenses that are packaged for the user by the content provider; while Omshehe appears to disclose presenting a list of current active licenses, together with information about those licenses.

However, Claim 1 recites that, in accordance with the embodiment therein, the license search result page allows for the selection of a group of more than one of the displayed current licenses for upgrading or downgrading. Applicant respectfully submits that Aldis, in view of Ross, Stupek and Omshehe, appear to disclose prepackaged license packs that are packaged by the content provider and do not appear to allow for the selection of a group of more than one of the displayed current licenses.

Additionally, Stupek appears to disclose that information about an upgrade can be provided, including importance of specific upgrades and status reports; and Aldis appears to disclose upgrading licenses and license packs.

However, Claim 1 recites that the upgrading and downgrading involves providing new license keys for the upgrade/downgrade version, as well as disabling the license keys for the old versions. Applicant respectfully submits that Aldis, in view of Ross, Stupek and Omshehe, does not appear to disclose or render obvious disabling the license keys for the old versions. Indeed, the cited references do not appear to discuss the status of the license keys for the old versions. Applicant respectfully submits that the cited references, when considered alone or in combination, do not appear to disclose or render obvious disabling the license keys for the old versions, as recited by Claim 1.

In view of the above comments, Applicant respectfully submits that Claim 1, as currently amended, is neither anticipated by nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 10, 67 and 120**

The comments provided above with respect to Claim 1 are hereby incorporated by reference. For similar reasons as provided above with respect to Claim 1, Applicant respectfully submits that Claims 10, 67 and 120 are likewise neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 2-9, 11-18, 68-76 and 121-129**

Claims 2-9, 11-18, 68-76 and 121-129 depend from and include all of the features of Claims 1, 10, 67 or 120. These claims are not addressed separately herein; however, Applicant respectfully submits that these claims are allowable at least as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that these claims are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **IV. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: December 17, 2009

By: /Nathan L. Feld/  
Nathan L. Feld  
Reg. No.: 59,725

Customer No. 23910  
FLIESLER MEYER LLP  
650 California Street, 14<sup>th</sup> Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800